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EXAMINER

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ART UNIT PAPER NUMBER

2154

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7

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/713,966

Applicant(s)

WING ET AL.

Examiner

Mohammad A Siddiqi

Art Unit

2154

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 November 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) 27-38 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 November 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 4.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____.

DETAILED ACTION

1. *Claims 1-26 are presented for examination. Claims 27-38 are withdrawn from further consideration.*

Election/Restrictions

2. Restriction to one of the following inventions is required under 35 U.S.C. 121:

- I. Claim 1-26, drawn to Computer Network Monitoring, classified in class 709, subclass 224.
- II. Claim 27-34, drawn to Fault Locating, classified in class 714, subclass 40.
- III. Claims 35-38, drawn to Fault Handling, classified in class 714, subclass 100

3. The inventions are distinct, each from the other because of the following reasons:

Inventions I, II, and III, are related subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case,

invention I has separate utility such as in a System lacking the fault locating, fault handling, particulars. Invention II has separate utility such as in a System lacking the fault handler, particulars. See MPEP § 806.05(d). Also the restriction requirement is based on the interpretation that every dependent claim is dependent on the preceding independent claim (note Applicant's claim numbering).

4. Because the inventions are distinct for the reason given above and have acquired a separate status in the art as shown by their different searches and their recognized divergent subject matter, and the search required for one Group is not required for another, restriction for examination purpose as indicated is proper.

5. During a telephone conversation with Bradley M. Knepper on 03/23/04, a provisional election was made without traverse to prosecute the invention of Group I, claims 1-26. Affirmation of this election must be made by applicant in replying to this Office action. Claims 27-38 are withdrawn from further consideration by the examiner, 37 C.F.R. 1.142(b), as being drawn to a non-elected invention.

6. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment

of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the fee required under 37 C.F.R. 1.17(h).

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

8. Claims 1, 3-23, and 25-26 are rejected under 35 U.S.C. 102(e) as being anticipated by Stedman et al. (6,539,499) (hereinafter Stedman).

9. As per claim 1, Stedman discloses a method for remotely diagnosing a computer 9col 2, lines 20-45), comprising:

establishing communication between a server and a communications interface associated with a client computer (col 2, lines 61-67);

establishing communication between a client application operating on said client computer (col 2, lines 61-67) and said server (col 3, lines 13-25,

client/server is inherent in internet because internet is based on client/server model);

in response to a signal associated with said communications interface and received by said server (col 3, lines 13-25, client/server is inherent in internet because internet is based on client/server model), downloading a first diagnostic tool (col 2, lines 43-45) from said server to said client application (col 2, lines 61-67);

executing said first diagnostic tool (col 3, lines 13-25);

returning a result from said client application to said server (fig 1A; and returning a disposition from said server to said communications interface (fig 1A, col 5, lines 25-32).

10. As per claim 3, Stedman discloses further comprising:

establishing a user record in a database associated with said server corresponding to said client computer (col 4, lines 18-22), wherein said record includes a status field (col 4, lines 25-26);

in response to a signal received from said communications interface (col 4, lines 12-15), setting said status field to a first value (col 4, lines 25-34);

executing a second diagnostic tool using said client application in response to said client application detecting said first value in said user record (col 4, lines 25-42).

11. As per claims 4 and 26, Stedman discloses in response to a signal received from said client application (col 4, lines 4-34), setting said status field to a second value after said step of executing a said second diagnostic tool is essentially complete (col 4, lines 4-34);

displaying a next page in response to said communications interface detecting said second value in said user record (col 5, lines-59).

12. As per claim 5, Stedman discloses wherein said client application polls said server to detect said first value (col 5, lines 45-50).

13. As per claim 6, Stedman discloses said communications interface polls said server to detect said second value (col 5, lines 40-59).

14. As per claim 7, Stedman discloses

using said communications interface (col 5, lines 40-59), prompting a user to select a potential computer problem (col 5, lines 40-59);

in response to said user's input (col 5, lines 40-59), downloading and executing a second diagnostic tool using said client application (col 5, lines 40-59);

returning a result of executing said second diagnostic tool to said server (col 5, lines 15-25); and

displaying a disposition to said user using said communications interface (col 5, lines 15-28).

15. As per claims 8 and 21, Stedman discloses wherein said server compares said result of executing said second diagnostic tool to a plurality of stored results (col 5, lines 10-41), wherein each of said stored results is associated with one of a plurality of dispositions (col 5, lines 10-41), and wherein said server returns at least a first disposition of said plurality of dispositions to said communications interface (col 5, lines 10-41).

16. As per claim 9, Stedman discloses said second diagnostic tool traps an error message generated on said client computer (col 5, lines 10-14), and wherein said step of returning a result to said server comprises returning said trapped error message to said server (col 6, lines 1-21).

17. As per claim 10, Stedman discloses in response to a signal from said communications interface and received by said server (col 6, lines 1-40), downloading a second client diagnostic tool from said server to said client application (col 6, lines 40-52);

executing said second client diagnostic tool (col 6, lines 40-52); and
returning a result from said client application to said server (col 6, lines 40-67 and col 4-12).

18. As per claims 11 and 18, Stedman discloses disposition comprises information concerning at least one of a list of installed hardware, a list of installed software, a hardware fault, a software fault, a recommendation to perform a maintenance procedure and a source for obtaining further information (col 6, lines 1-67 and col 7, lines 1-12).

19. As per claim 12, Stedman discloses
providing at least a partial inventory of devices installed on said client computer to a user (col 3, lines 25-40); and
prompting the user of said client computer to identify one or more additional installed devices (col 3, lines 25-40).

20. As per claim 13, Stedman discloses:

storing at least a partial inventory of devices installed on said client computer in a database associated with said server (col 4, lines 18-24).

21. As per claim 14, Stedman discloses system for remotely diagnosing computer hardware and software, comprising:

- a server (col 3, lines 13-25, client/server is inherent in internet because internet is based on client/server model);

- a server application program (col 3, lines 13-25); a client computer (col 3, lines 1-6);

- a plurality of client diagnostic tools (col 2, lines 42-45); a computer network interconnecting said server and said client computer (col 3, lines 13-18);

- a communications interface in communication with said server (col3, lines 13-25);

- a client application program (col 4, lines 15-18), wherein said client application program communicates with said server and said client application performs a number of functions (col 4, lines 12-24, client/server is inherent in internet because internet is based on client/server model), including:

executing at least a one of said plurality of client diagnostic tools (col 2, lines 39-45) , said at least one of said client diagnostic tools being downloaded from said server (col 2, lines 39-45); and

returning results (fig 1A, col 2, lines 20-25, display is a way of returning results) obtained from said executing step to said server, wherein in response to said results returned to said server (fig 1A, col 5, lines 25-32), said server application program returns a disposition concerning said client computer to said communications interface (fig 1A, col 5, lines 25-32).

22. As per claim 15, Stedman discloses wherein said computer network comprises the Internet (col 4, lines 12-24).

23. As per claim 16, Stedman discloses a first of said client diagnostic tools creates a first inventory of hardware and software installed on said client computer (col 3, lines 25-41).

24. As per claim 17, Stedman discloses said first inventory is returned to said communications interface (col 3, lines 25-54).

25. As per claim 19, Stedman discloses said referral to an additional source of repair information comprises providing at least one of a telephone

number, a mailing address, an e-mail address and a Universal Resource Locator (col 6, lines 1-67 and col 7, lines 1-12).

26. As per claim 20, Stedman discloses a method for providing a user of a computer with diagnosis of said computer from a remote location (col 2, lines 20-45), comprising:

- establishing a communications channel between a communications interface associated with said computer (col 2, lines 61-67) and a server located at said remote location (col 4, lines 12-24, client/server is inherent in internet because internet is based on client/server model);

- in response to said server receiving a first signal from said communications interface (col 3, lines 13-25), downloading a client application to said computer (col 2, lines 43-45);

- installing said client application on said computer (col 3, lines 1-25, application must be installed prior to use);

- in response to said server receiving a second signal from said communications interface (col 4, lines 3-10), downloading a first diagnostic tool to said computer (col 2, lines 40-45);

- executing said first diagnostic tool using said client application (col 2, lines 40-45), wherein at least a partial inventory of hardware associated with said computer is obtained (col 3, lines 25-41);

returning said at least partial inventory of said hardware from said client application to said server (col 3, lines 15-40); downloading a second diagnostic tool to said computer (col 4, lines 3-35);

executing said second diagnostic tool using said client application 9col 4, lines 3-35), wherein at least a first functional test of at least a portion of said installed hardware is performed (col 4, lines 1-55);

returning a first result from said first functional test to said server (col 5, lines 1-28);

analyzing said first result (col 5, lines 1-28); and returning a disposition of said computer to said user (col 5, lines 1-28).

27. As per claim 22, Stedman discloses:

downloading a third diagnostic tool to said computer (col 6, lines 40-60);

executing said third diagnostic tool using said client application (col 6, 40 lines 40-60), wherein an application resident in said computer is opened (col 6, line 40-60), and wherein information concerning the opening of said resident application is returned to said server (col 6, lines 40-67 and col 7, lines 1-12).

28. As per claim 23, Stedman discloses said information comprises at least one of a time to load said resident application (col 6, lines 40-67), an error message (col 7, lines 13-17), and a time to exit said resident application (col 7, lines 13-28, rebooting is time to exit).

29. As per claim 25, Stedman discloses said step of executing said first diagnostic tool is initiated in response to said client application detecting a first value in a user record stored on said server (col 6, lines 29-67), wherein said first value is entered in said user record in response to a signal received from said communications interface (col 6, lines 29-67).

Claim Rejections - 35 USC § 103

30. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

31. Claims 2 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stedman et al. (6,539,499) (hereinafter Stedman) in view of Bates et al. (6,314,439) (hereinafter Bates).

32. As per claims 2 and 24, Stedman discloses wherein said communications interface includes a browser and the method further comprising:

downloading a client identifier (col 3, lines 13-16, access includes authentication from the server) from said server to said browser (col 3, lines 25-31,);

passing said identifier to said client application (col 3, lines 13-25, icon must be an identifier),

Stedman is silent about the placing said identifier in a title bar of a browser window;

wherein said client application copies said identifier from said browser window.

However, Bates disclose about the placing said identifier in a title bar of a browser window;

wherein said client application copies said identifier from said browser window (col 1, lines 41-55).

Therefore it would have been obvious to one of ordinary skill in the art at the time invention was made to combine Bates with Stedman because it would provide online diagnosis of the computer problem and also fix to the problem in a real-time environment.

Conclusion

33. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,519,762 to Colligan et al.

U.S. Patent 6,279,109 to Brundridge et al.

U.S. Patent 5,908,471 to Lach et al.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A Siddiqi whose telephone number is (703) 305-0353. The examiner can normally be reached on Monday - Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A Follansbee can be reached on (703) 305-8498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS


ZARNI MAUNG
PRIMARY EXAMINER